

REMARKS

This responds to the Final Office Action dated September 3, 2008. Claims 14-46 were pending prior to this response. Claims 18, 25-29, and 35-40 are amended, claims 14-17, 24 and 31-34 are canceled, and claims 47-72 are added in this response; as a result, claims 18-23, 25-30 and 35-72 are now pending in this application.

Thus, there are now 50 total claims, including 9 independent claims. Applicant previously paid for 33 total claims, including 3 independent claims. Thus, Applicant believes a claim fee is due for 17 additional claims, including 6 independent claims.

Telephone Interview

At Applicant's request, a telephone interview was conducted on December 1, 2008 between Applicant's attorney, Marvin Beekman, and Examiner Evanisko. Applicant requested and the Examiner provided clarification of the final office action. Agreement was not reached regarding the patentability of any particular claim.

Rejections

Claims 14-23 and 30-40 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 11/369,142 and over claims 1-27 of Application No. 11/379,742.

Claims 14-23, 30-34 and 37-39 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,493,579.

Claims 14-23, 30-34 and 37-39 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7 and 16 of U.S. Patent No. 6,522,925.

Claims 14-16 were rejected under 35 U.S.C. § 102(b) for anticipation by Snell (U.S. Patent No. 5,716,382).

Claims 17-21, 30-34, 37 and 39 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Snell (U.S. Patent No. 5,716,382).

Claims 22, 23 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Snell (U.S. Patent No. 5,716,382) as applied to the claims above.

Applicant respectfully reserves the right to pursue some or all of these claims in continuation application(s), and to specifically traverse the rejections and assertions contained in the final office action.

Allowable Claims

Applicant respectfully submits that claims 24-29, 35-36 and 40-46 do not stand rejected. Thus, Applicant respectfully asserts that previously pending claims 24-29, 35-36 and 40-46 are allowable.

Applicant has amended the claims to write allowable claims in independent form. Specifically, Applicant has amended:

independent claim 18 to include language recited in claim 24 (claim 24 is canceled);
dependent claim 25 into independent form, including language recited in claim 18;
dependent claim 26 into independent form, including language recited in claim 18;
dependent claim 27 into independent form, including language recited in claim 18;
dependent claim 28 into independent form, including language recited in claim 18;
dependent claim 29 into independent form, including language recited in claim 18;
dependent claim 35 into independent form, including language recited in claims 31-34;
dependent claim 36 into independent form, including language recited in claims 31-34;
dependent claim 40 into independent form, including language recited in claims 31 and 39.

New claims 47-51 correspond to claims 19-23, written to depend on claim 25.

New claims 52-56 correspond to claims 19-23, written to depend on claim 26.

New claims 57-61 correspond to claims 19-23, written to depend on claim 27.

New claims 62-66 correspond to claims 19-23, written to depend on claim 28.

New claims 67-71 correspond to claims 19-23, written to depend on claim 29.

New claim 72 corresponds to language from dependent claim 36, written to depend on claim 35.

Applicant respectfully requests entry of these amendments, and further requests consideration and allowance of the claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 12-3-08

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of December, 2008.

Name Kate Gowan

Signature Kate G